

Senate Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

# SENATE MEMORIAL 1001

A MEMORIAL

SUPPORTING THE TOHONO O'ODHAM NATION'S CITIZENSHIP ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 To the Congress of the United States:

2 Your memorialist respectfully represents:

3 Whereas, the Tohono O'odham people have lived and traversed the lands  
4 of what are now southern Arizona and northern Sonora, Mexico since time  
5 immemorial; and

6 Whereas, the Tohono O'odham Nation, for hundreds of years before  
7 federal recognition of the Nation as a sovereign and the creation of the  
8 international boundary, has historically enrolled members based on O'odham  
9 blood quantum; and

10 Whereas, thousands of members of the Tohono O'odham Nation who were  
11 born in the United States and whose births were never registered are unable  
12 to obtain benefits, such as United States passports, driver licenses and in  
13 some cases, employment, and travel freely across the international boundary;  
14 and

15 Whereas, hundreds of members who were born in Mexico and whose parents  
16 were born in the United States but whose births in the United States were  
17 never registered are unable to obtain "derivative" United States citizenship  
18 status and are, therefore, denied benefits, such as driver licenses, United  
19 States passports and employment, and cannot freely cross the international  
20 boundary; and

21 Whereas, hundreds of members born in Mexico have lived and worked in  
22 the United States without documents their entire lives; and

23 Whereas, members born and residing in Mexico are denied numerous rights  
24 enjoyed by members of other federally recognized Native American sovereigns;  
25 and

26 Whereas, all of these members, including United States citizens, are  
27 subject to arrest, deportation, seizure of their vehicles and criminal  
28 prosecution when encountered in the United States without documentation; and

29 Whereas, the recent militarization of the Nation's lands adjacent to  
30 the international boundary has resulted in the arrest, deportation, seizure  
31 of vehicles and criminal prosecution of numerous members; and

32 Whereas, members of the Tohono O'odham Nation are not immigrants but  
33 are indigenous people and should not be subject to immigration laws and state  
34 delayed birth registration requirements; and

35 Whereas, all of the Nation's members should be United States citizens  
36 and based on the government-to-government relationship between the United  
37 States and the Tohono O'odham Nation, the Nation's membership credential  
38 should serve as the legal equivalent of a state issued birth record or a  
39 federally issued certificate of citizenship for all legal intents and  
40 purposes.

41 Wherefore your memorialist, the Senate of the State of Arizona, prays:

1           1. That the Congress of the United States pass legislation to amend  
2 the Immigration and Nationality Act of 1952, Chapter 2 of Title III (8 United  
3 States Code section 1421 et seq.) by inserting after section 322 the  
4 following:

5           ENROLLED MEMBERS OF TOHONO O'ODHAM NATION, SEC. 323.

6           (a) GRANTING OF CITIZENSHIP. A person who is listed on the  
7 official membership roll of the Tohono O'odham Nation,  
8 federally recognized American Indian nation located in  
9 Arizona, is a citizen of the United States as of the date  
10 on which the listing occurs.

11          (b) NO DERIVATIVE BENEFITS TO RELATIVES. Nothing in this  
12 section shall be construed as providing for any benefit  
13 under this act for any spouse, son, daughter or other  
14 relative of a person granted citizenship under this  
15 section.

16          (c) CLERICAL AMENDMENT. The table of contents of the  
17 Immigration and Nationality Act is amended by inserting  
18 after the item relating to section 322 the following new  
19 item:

20          Sec. 323. Enrolled members of the Tohono O'odham Nation

21          (d) Notwithstanding any other provision of law, the valid  
22 membership credential issued to a person who is listed on  
23 the official membership roll of the Tohono O'odham Nation  
24 pursuant to the laws of the Tohono O'odham Nation shall be  
25 considered, for all purposes subject to federal law,  
26 equivalent to:

27           (i) a certificate of citizenship issued under section  
28 341(a) of the Immigration and Nationality Act  
29 (8 United States Code section 1452(a)) to  
30 persons who satisfy the requirements of such  
31 section; and

32           (ii) a state issued birth certificate.

33          2. That the President of the United States sign the legislation  
34 proposed above on its passage by Congress.

35          3. That the Secretary of State of the State of Arizona transmit copies  
36 of this Memorial to the President of the United States, the President of the  
37 United States Senate, the Speaker of the United States House of  
38 Representatives and each Member of Congress from the State of Arizona.

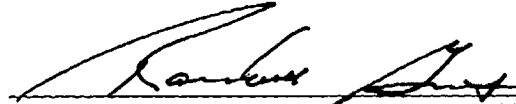
PASSED BY THE SENATE MARCH 14, 2002.


FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 14, 2002.

Passed the Senate March 14, 20 02,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

  
President of the Senate

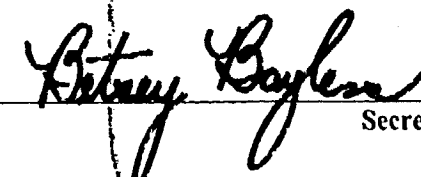
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of March, 20 02

at 2:30 o'clock PM M.

  
Secretary of State

S.M. 1001

# ARIZONA STATE SENATE

Forty-fifth Legislature  
Second Regular Session

March 14, 2002

MR. SPEAKER:

I am directed by the Senate to inform the House that it has PASSED  
SENATE MEMORIAL 1001.

Tohono O'odham Nation's citizens act

By the following vote:

AYES    28        NOES    0        NOT VOTING   2  

Respectfully,

Charmion Billington                      kp  
Secretary of Senate

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6 Whereas, the Tohono O'odham Nation, for hundreds of years before  
7 federal recognition of the Nation as a sovereign and the creation of the  
8 international boundary, has historically enrolled members based on O'odham  
9 blood quantum; and

10 Whereas, thousands of members of the Tohono O'odham Nation who were  
11 born in the United States and whose births were never registered are unable  
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11          (b) NO DERIVATIVE BENEFITS TO RELATIVES. Nothing in this  
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16          (c) CLERICAL AMENDMENT. The table of contents of the  
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20          Sec. 323. Enrolled members of the Tohono O'odham Nation

21          (d) Notwithstanding any other provision of law, the valid  
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33          2. That the President of the United States sign the legislation  
34 proposed above on its passage by Congress.

35          3. That the Secretary of State of the State of Arizona transmit copies  
36 of this Memorial to the President of the United States, the President of the  
37 United States Senate, the Speaker of the United States House of  
38 Representatives and each Member of Congress from the State of Arizona.

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